

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GRAMERCY ADVISORS, LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 07-CV-2809
CARLETON A. JONES, III and)	
JOHN A. JONES,)	Judge McKenna
)	Magistrate Judge Peck
Defendants,)	
)	

**MOTION TO DEFER MOTION FOR PARTIAL SUMMARY JUDGMENT
OR, IN THE ALTERNATIVE, FOR TIME TO CONDUCT DISCOVERY**

Defendants, John A. Jones and Carleton A. Jones, III [“Messrs. Jones”], have filed their Motion to Dismiss, Stay or Transfer. Plaintiff, Gramercy Advisors, LLC [“Gramercy”] has filed a Motion for Partial Summary Judgment.

Messrs. Jones now move the Court to defer the Motion for Partial Summary Judgment until after the Court has ruled on the Motion to Dismiss, Stay or Transfer. They also ask the Court to defer the Motion for Partial Summary Judgment pending rulings by the Middle District of Tennessee in an earlier-filed suit between the parties. In the alternative, Messrs. Jones ask the Court for time to conduct discovery before responding to the Motion for Partial Summary Judgment.

In support of their Motion, Messrs. Jones state as follows:

1. The Court should defer the Motion for Partial Summary Judgment in order to avoid wasteful and unnecessary litigation expense.
2. The Court should defer the Motion for Partial Summary Judgment in order to avoid duplicative litigation and the risk of inconsistent judgments.

3. In the alternative, Messrs. Jones should be permitted to conduct discovery before they are required to respond to the Motion for Partial Summary Judgment.

In support of their Motion, Messrs. Jones rely upon the following:

- Declaration of Winston S. Evans which is submitted with this Motion
- Previously filed Declaration of Winston S. Evans [DE #9].
- Declarations of Defendants, John A. Jones and Carleton A. Jones, III¹
- Memorandum of Law
- Those portions of the record which are cited in the Memorandum of Law.

Respectfully submitted,

s/ Winston S. Evans

Winston S. Evans (WE 6081)
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Attorneys for Defendants

¹The declarations of Messrs. Jones are exhibits to the Notice of Filing which is submitted with this Motion.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION TO DEFER MOTION FOR PARTIAL SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, FOR TIME TO CONDUCT DISCOVERY** has been served via **Electronic Transmission** and **Federal Express** upon:

Michael Edward Petrella, Esq.
O'Shea Partners, LLP
90 Park Avenue, 20th Floor
New York, NY 10016

Richard D. Meadow, Esq.
The Lanier Law Firm, PLLC
126 East 56th Street, 6th Floor
New York, NY 10022

and via **Federal Express** upon:

Hon. Lawrence M. McKenna, District Judge
United States Courthouse
500 Pearl St., Room 1640
New York, NY 10007

this 26th day of June, 2007.

s/ Winston S. Evans

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